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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 February 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 10.20 a.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ANGOLA

1. The CHAIRMAN invited the Deputy Minister for Foreign Affairs of Angola to address the Commission.

2. Mr. REBELO PINTO CHICOTI (Angola) said that neither the adoption of important instruments and resolutions by the Commission and the World Conference on Human Rights nor the observance of the forty-fifth anniversary of the Universal Declaration of Human Rights in December 1993 had brought concrete results. The East-West confrontation had merely been a pretext for some nations to boast about their human rights records when, in fact, they had not hesitated to expose their own people to the risks of nuclear testing - a crime against humanity.

3. Equally astonishing was the fact that, despite all expectations, very few countries had made significant strides in the development of democracy in the 1990s. In some countries, the derailing of democratic processes had resulted in terrible bloodshed; in others, authorities had not defended the fundamental right of democracy when it was violated by their friends.

4. The international community and, in particular, the United Nations, had played an important role in democratization and peace-keeping processes in many countries. However, since the pace of progress had been slow, he hoped that the Commission, at its current session, would examine the issues closely and discuss realistic ways of dealing with them. He was referring to the situations in Bosnia, Afghanistan, Algeria, Liberia, Somalia, Burundi, Sudan, the Congo and Timor, but also to many other countries that had not necessarily attracted the attention of the international press or affected the interests of the major Powers.

5. In Angola, 1993 had been the most tragic year since it had attained independence. In that year alone, more than half a million people had died in the war, 40 per cent of them being children under 10 years of age. As many as 25 children were dying in hospital every day. Those figures made the Angolan conflict the cruellest in the post-cold-war era. In the town of Kuito, for example, which had been besieged by UNITA for more than nine months, the death toll had been over 30,000, out of a total population of 70,000. As a result of the war, there were 200,000 amputees, 400,000 orphans and 3 million displaced persons.

6. The war had been unilaterally started by UNITA, which had rejected the results of the free, fair and internationally supervised elections because it had been defeated. Of the 18 political parties which had participated in the elections, UNITA was the only one which had chosen to resort to violence in an attempt to take power by force and return to a dictatorship. He condemned UNITA's violation of every citizen's right to cast a vote without fear of persecution or intimidation and did not believe that the international community would allow that to continue.

7. UNITA had destroyed much of the country's infrastructure and inhibited the development of other political parties in the areas it had occupied. It had, inter alia, persecuted and assassinated members of other political parties; obstructed freedom of movement by mining roads and bridges and attacking civilian settlements; caused starvation in the towns by preventing people from going to the fields in search of food; destroyed and poisoned wells; and ravaged energy supplies.

8. His Government called on all those States and individuals which supported UNITA to encourage it to abide by the rules of democracy which allowed it to become an opposition party and participate in the next elections. He did not dispute UNITA's right to oppose his Government's policies, but it had no right to kill innocent Angolans who did not agree with it. Under the guise of promoting democracy, political pluralism and human rights, UNITA was the only political party that systematically committed violent and cruel acts comparable to those taking place in South Africa. It was not fighting for any particular value but for power alone.

9. The Government had demonstrated its intention to improve the human rights situation in Angola. Despite the difficult circumstances, it had not suppressed political rights or declared a state of emergency but rather chosen to engage in negotiations with UNITA in Addis Ababa, in Abidjan and, most recently, in Lusaka. It hoped that UNITA would cease fighting and express its opinions in parliament, where it held some 35 per cent of the seats.

10. The situation in Angola had become a major concern of the Security Council, which had adopted a number of resolutions in that connection imposing arms and petroleum sanctions against UNITA. None the less, even as he addressed the Commission, UNITA continued the fighting. Further, sanctions must therefore be imposed in accordance with the recommendations contained in Security Council resolution 864 (1993) in order to encourage UNITA to negotiate seriously. Angola was in its second year of war and it was important to show UNITA that it could not go on killing without a strong reaction from the world community.

11. He expressed his Government's thanks to the Security Council, the Secretary-General and his Special Representative for Angola, the Organization of African Unity, the front-line States, and all those countries and organizations which had sought to put an end to the war. He also wished to thank the international humanitarian organizations, such as the World Food Programme, the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), and the many non-governmental organizations whose officials, often at the risk of their lives, were endeavouring to help his stricken people.

12. Lastly, he could not ignore the situations in Mozambique and South Africa and the need for peace and stability in the entire southern African region as a basis for the development of human rights. The Commission should pay particular attention to southern Africa in its work. For his part, he reaffirmed his Government's commitment to the principle of the peaceful resolution of conflicts throughout the world.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT:

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 7) (continued)

(E/CN.4/1994/17 and Add.1, 18*, 19 and Add.1, 20, and 100; E/CN.4/1994/NGO/6; E/CN.4/1993/16; A/CONF.157/PC/73)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (agenda item 8) (continued) (E/CN.4/1994/21 and Corr.1 and 2, and 99*)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 15) (continued) (E/CN.4/1994/67, and 68; E/C.12/1993/3; CCPR/C/2/Rev.3)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 16) (continued) (E/CN.4/1994/69, and 101; A/CONF.157/PC/62/Add.11/Rev.1; A/CONF.157/TBB/4 and Add.1)

13. Mr. DENDOULIS (Observer for Greece), speaking on a point of order, said that, before the Commission continued its work, he wished to point out that the latest provisional list of attendance (E/CN.4/1994/Misc.3) of 9 February 1994 contained a reference to an alleged State Member represented by observers. Since there was no such State entity as Macedonia, he requested that the appropriate correction be made.

14. Mr. BABU DHAKAL (Observer for Nepal) said that his Government believed in a close interrelationship between human rights, democracy and development and subscribed to a holistic approach to human rights. Following the restoration of multiparty democracy in 1990, Nepal had ratified both the International Covenants on Human Rights and had incorporated their principles and those of the Universal Declaration of Human Rights into its national law. The Nepalese Constitution guaranteed such fundamental rights as freedom of expression, freedom of association, freedom of religion, constitutional remedies, freedom of the press, the right to information, the right to own property and cultural and educational rights. In addition, a number of awareness-building activities had been launched both for the general public and for judges and police.

15. The principles of the universality, indivisibility and objectivity of human rights must be respected and the human being should be at the centre of all human rights activities. In judging the human rights performance of States, the human rights treaty-bodies should, however, take into account obstacles to the full enjoyment of human rights, including extreme poverty, illiteracy, poor health conditions, disease, malnutrition and high infant mortality rates. As the Prime Minister of his country had said, the

interdependence of civil and political rights and economic, social and cultural rights must be understood at both the national and international levels.

16. Priority should be given to identifying practical strategies for the promotion of the human rights set forth in the International Covenants, particular attention being paid to the most vulnerable and disadvantaged. The Centre for Human Rights should provide technical assistance and advisory services on request to assist States with their reporting obligations.

17. The Vienna Declaration and Programme of Action very appropriately reaffirmed the right to development as a universal right. In that connection, he endorsed the recommendations of the Working Group on the Right to Development (E/CN.4/1994/21 and Corr.1 and 2), which had focused on the very pertinent issues of economic growth, extreme poverty, international assistance, the debt burden and the deteriorating pattern of trade.

18. Mr. HUSSAIN (Iraq) said that his delegation had carefully considered the documents under the current agenda items and in particular the Secretary-General's report on the repercussions and prospects of the debt crisis and adjustment programmes (E/CN.4/1994/17 and Add.1); the report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21 and Corr.1 and 2); and the report of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights (A/CONF.157/PC/73).

19. As the twentieth century drew to its close, the world was more interdependent than ever before, particularly in economic terms. That meant that no problem could be resolved without regard for the international economic situation and the commitment of the international community to ensuring the realization of the right to development and the elimination of obstacles thereto. Nevertheless, the abnormal practices of United Nations bodies were having an adverse impact on the realization of human rights. Indeed, bodies that were intended to strengthen and protect human rights and become institutional mechanisms for their violation, particularly in the case of economic, social and cultural rights.

20. He drew attention to Article 24, paragraph 2, of the Charter which instructed the Security Council to act in accordance with the purposes and principles of the United Nations in discharging its duties; to article 11 of the International Covenant on Social, Economic and Cultural Rights, which stressed international cooperation as a major element in ensuring those rights, particularly as regarded food and an adequate standard of living; and to the Vienna Declaration and Programme of Action, which in paragraph 31, specified that food should not be used as a tool for political pressure.

21. In that context, the economic embargo imposed on Iraq by the Security Council and its negative consequences for the enjoyment of human rights were contrary to the provisions of the Charter and the International Covenant in question. Indeed, the Security Council measure constituted negative cooperation and was thus a grave violation of article 11 of the International Covenant. Commission resolution 1993/12 merely decided to continue to consider the impact of foreign debt and of structural adjustment

on economic, social and cultural rights. However, as noted in the Secretary-General's comprehensive report (E/CN.4/1994/17), the impact of economic sanctions should also be considered on a priority basis as it was often far more serious than the impact of structural adjustment programmes.

22. The embargo on Iraq affected every aspect of the country's life. Prevented from selling its oil in a normal fashion or using its frozen assets abroad, Iraq was unable to purchase food and medicine; that had worsened the plight of the Iraqi population, particularly children, women and the elderly. To cite an example, infant mortality for children over the age of 5 had climbed to 7,226 per month and to 5,112 per month for children under the age of 5. In 1993, more than 1,270,000 children under the age of 5 had suffered from malnutrition, a 13.5 per cent increase over 1992.

23. A joint statement issued in 1993 by the Food and Agriculture Organization (FAO) and the World Food Programme (WFP) had emphasized the gravity of the food and health situation in Iraq. The two organizations had found that the impact of the sanctions since August 1990 had been more severe than the destruction during the war and related disturbances.

24. Oil was vital to Iraq's economy. Article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights proclaimed that all peoples had the right freely to dispose of their natural resources; the continuing embargo thus constituted a violation of that instrument.

25. Certain Western countries maintained that Iraq was to blame for the deterioration in the food and health situation, because it had not complied with Security Council resolutions 706 (1991) and 712 (1991). Those countries ignored the main reason for the tragic situation: the total embargo on Iraq, currently entering the fourth year. The embargo served their own objectives, and the above-mentioned Security Council resolutions were political in nature, because they contained unjust conditions that constituted a flagrant interference in the internal affairs of Iraq and imposed a complicated and unworkable structure that further restricted Iraq and left it at the mercy of foreign intrigues.

26. The embargo also violated the right to work enshrined in article 23, paragraph 1, of the Universal Declaration of Human Rights and in article 6 of the International Covenant on Economic, Social and Cultural Rights. For the past 20 years, Iraq had sought to achieve economic and social development and full employment. The war had destroyed the country's infrastructure, which had nothing to do with military targets, and the embargo had had a major impact on economic and social progress, causing growing unemployment, particularly among women, and frustrating his Government's efforts to rebuild the country.

27. It was strange that the United Nations, whether directly or indirectly, should be violating international human rights instruments. His delegation wondered whether the United Nations could be called to account, if only morally, for imposing the embargo, which was contrary to human rights principles that were binding rules in international humanitarian law. It was to be hoped that the international community would assume responsibility for relieving the suffering of an entire people and would put an end to the

violations of the basic rights of a nation, committed in the name of the United Nations. Iraq must be given a chance to recover, to live normally and to resume its economic and social development free from all political pressures.

28. Mr. DEGUENE KA (Observer for Senegal) said that, by declaring the right to development to be an inalienable and universal right, the international community had sought to stress that development was not a battle that some must win over others, but a common task of international solidarity that States must accomplish together. Taken in that sense, the right to development concerned everyone; the question whether it was a collective or an individual right, being irrelevant, because collective rights were individual rights.

29. The right to development was inseparable from international cooperation. Whereas each State was concerned with its own exclusive interests, the right to development implied meeting the interests of all. The principle of solidarity, reflecting a growing interdependence in the area of economic development, meant that all States must conduct their economic policies in such a way as to take the interests of other States into account. In the legitimate exercise of their sovereignty, they must avoid measures that caused grave harm to other States, and in particular to developing countries and their populations.

30. That idea anticipated the concept of a new partnership, as proclaimed at the eighth session of the United Nations Conference on Trade and Development. Human selfishness posed a threat to human rights and must be overcome. International organizations working in the area of cooperation and development and the specialized agencies of the United Nations were the most complete expression of international solidarity.

31. His delegation appreciated the exploratory work of the Working Group on the Right to Development and agreed with it that development could not be reduced to a narrow concept of economic growth, but covered all other aspects of development, because the improvement of the human condition was a gradual process in which all civil, political, economic, social and cultural rights must be realized. Regrettably, despite the efforts made since its adoption in 1986, the Declaration on the Right to Development was still not well known, and there were still many obstacles in its path.

32. His delegation proposed that a compilation of directives be drafted for all international organizations working in the area of cooperation and development in order to encourage them to incorporate in their action plans measures to promote the realization of the right to development. Each such organization would have to report periodically on the state of implementation of those directives.

33. Such a compilation would also assist the Centre for Human Rights in coordinating the work of all organizations and specialized agencies active in the field of human rights, in conformity with the Vienna Programme of Action. Consideration should also be given to the creation of a permanent treaty-monitoring body for the Declaration and to the optional presentation of reports by States.

34. Ms. de VLAMING (World University Service), speaking also on behalf of the International Organization for the Development of Freedom of Education and the American Association for the Advancement of Science, said that implementation of the right to education depended not only on economic policies but also on the behaviour of Governments in the sphere of political and civil rights. International economic measures played a role with respect to the realization of economic, social and cultural rights, but the interdependence between such measures and failure to respect international instruments was very complicated and should not be taken for granted, because it easily obscured the responsibility of Governments.

35. To address the factors that obstructed the realization of economic, social and cultural rights, it was necessary to analyse each and every right in that category individually. Otherwise, terminology would remain vague and superficial, and action could never be taken. To that end, the Commission should make use of existing mechanisms within the United Nations system. The delegation of the Netherlands had made a number of concrete recommendations in that regard, including the possible creation of an individual complaint procedure.

36. If the Commission was truly concerned about the impact of structural adjustment programmes and other international economic policies on economic, social and cultural rights, it should take concrete steps to work together with the other United Nations bodies involved. To that end, the Commission should request its Sub-Commission to formulate recommendations on ways and means of cooperating with other bodies and supporting their proposals to initiate affirmative action programmes to help avoid violations of economic, social and cultural rights and provide a social safety net to assure minimum support levels. She cited in that context the recommendation made by the Department for Policy Coordination and Sustainable Development, contained in the Secretary-General's comprehensive report (E/CN.4/1994/17, p. 13).

37. The Sub-Commission's assistance was also needed to produce indicators for monitoring economic, social and cultural rights. Without conceptually sound indicators, human rights bodies would never be able to measure the progressive realization of those rights. The Commission should thus request the Sub-Commission to use the results of the Seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights (A/CONF.157/PC/73) as a basis for its preparation of the proposed indicators.

38. The Commission should be represented at the important meeting on the right to education that the Committee on Economic, Social and Cultural Rights was to hold at the end of 1994. It might request the Committee to formulate specific recommendations regarding future cooperation between the two bodies in conceptualizing specific rights and developing indicators to assess implementation. That might be a good opportunity to analyse the implementation of the compliance with standards of economic, social and cultural rights.

39. Lastly, the organizations she represented hoped that agenda items 7 and 8 would, at future sessions, be considered separately: the quality of the discussions was severely affected by examining too many issues at once.

40. Mr. FERNANDES (World University Service) said that a recent UNESCO study of the impact on educational systems of debt-servicing revealed that the decline in spending on education as a percentage of domestic national product had been significantly greater in countries that had embarked upon such an adjustment. The decrease in and poor distribution of resources had led to a drop in the level of children attending school, a reduction in the number of years spent in school and a sharp fall in the quality of teaching. As a matter of policy, education must be an absolute priority. Immediate economic problems should not distract from the essence of the matter, namely that without education, there could be no development.

41. The year 1994 would see two major events that could serve as the start of a vast mobilization in favour of education: the International Conference on Education, organized by the International Bureau of Education on the subject: "Appraisal and Perspectives of Education for International Understanding", and the holding in December by the Committee on Economic, Social and Cultural Rights of a day of debate devoted to education and human rights.

42. As the World Conference on Human Rights, his organization had proposed on behalf of 15 non-governmental organizations (NGOs), the convening of a conference on the right to education and educational freedoms, which should be organized jointly by the NGOs, UNESCO and the Centre for Human Rights. The main purpose of the conference would be to define the content of the right to education and educational freedom on the basis of article 13 of the International Covenant on Economic, Social and Cultural Rights. Academic freedom - which was not mentioned in the Covenant - should be the subject of a special analysis and the conference should emphasize that it was impossible to realize the right to education without respect for educational and academic freedom.

43. Ms. ADE (African Association of Education for Development) said that, with the end of the cold war, a consensus had emerged on how to define development. In the case of the African countries in particular, development must be a political act, a task for the individual citizens and peoples themselves. Development, a conscious and concerted effort to master the economic, political, social and cultural future with a view to creating a new society, could not be imposed from outside through ideological models tailored for other realities and interests but must germinate within the underdeveloped countries themselves.

44. Africa was underdeveloped because, for several centuries, it had not been the master of its own development but had been subject in turn to slavery and colonialism and had then achieved independence at the worst moment of the cold war.

45. The history of the CFA franc illustrated her point. When established in 1946, the abbreviation CFA had meant the French African Colonies. After independence it had come to mean the French-speaking African Community, but the monetary system had remained the same. The plan presented in January 1994 for the devaluation of the CFA franc had been opposed by all 14 leaders of the countries in the currency area but supported by the International Monetary Fund and the Government of France. The devaluation had taken place and had already had an adverse impact on the economies of the countries concerned.

46. Africa must end its psychological dependence on other continents, and her organization appealed to all the African countries to work towards development within a framework that ensured their right freely to determine their own destiny.

47. Mr. DIENG (International Commission of Jurists) said that, in many developing countries, free and fair elections, democracy and good governance had been stressed as prerequisites for the establishment of a new world order. In response, many populations had patiently participated in electoral processes in the hope of satisfying their basic requirements, which were, in fact, enjoyment of their fundamental human rights.

48. The Vienna Declaration and Programme of Action had emphasized the universality, indivisibility and interdependence of all human rights. Nevertheless, the harsh reality was that large sections of the third-world populations, and even many people in industrialized countries, were living in absolute poverty, a clear denial of their right to an adequate standard of living. The Commission on Human Rights should define a specific category of gross violations of economic, social and cultural rights.

49. Certain countries could hardly claim the lack of resources as a reason for their failure to ensure economic, social and cultural rights. In other countries, however, the effective realization of those rights was hindered by a number of factors such as the low priority accorded to the status of women and their participation in development; fraudulent enrichment and other corrupt practices; ethnic conflict and violence; and increased militarization and weapons expenditures, which had increased the debt burden and had resulted in cutbacks in social services.

50. The impact of structural adjustment programmes was a matter of controversy. For some, such programmes were necessary to establish the conditions for sustainable development. Others maintained that structural adjustment measures in the developing countries had not resulted in any significant progress towards the realization of economic and social rights. The matter required further study.

51. It has been argued that, unlike civil and political rights, economic, cultural and social rights were not justiciable. The International Commission of Jurists did not share that view; it was convinced that, while the full realization of economic, social and cultural rights was to be attained progressively, some of those rights could be made justiciable immediately and others over time. In that connection, he recommended that the Commission request its Sub-Commission to conduct a study on the justiciability of economic, social and cultural rights. The jurisprudence of the constitutional courts of Benin and Senegal would be valuable in that connection.

52. At the World Conference on Human Rights, the international community had unanimously recognized the legitimacy of the right to development. It was unfortunate, therefore, that several Governments and non-governmental organizations had not provided the Working Group on the Right to Development with the information it had requested. The right to development was a right sui generis but it also sought to incorporate and rank equally all rights - economic, social, cultural, civil and political.

53. The Declaration on the Right to Development made it incumbent on States to create the international and national conditions conducive to the realization of that right. It could be realized only when respect for all the fundamental freedoms was ensured.

54. The time had come to begin the preparation of a convention on the right to development, a task which should be entrusted to the Working Group on the Right to Development.

55. Ms. BRUIN (Women's International League for Peace and Freedom) said that it was becoming increasingly evident that the policies of the Bretton Woods Institutions and the practices of transnational banks and corporations were systematically resulting in violations of human rights. In particular, structural adjustment measures, liberalization, privatization and other trade, investment and corporate policies were violating economic, social and cultural rights and the right to development. Those policies had given rise to unemployment, cutbacks in real wages, poverty, hunger, and reductions in health, education, housing and social services. They were thus in breach of several articles of the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. In addition, those policies had adverse effects on the environment, development, national sovereignty and national and international peace and security.

56. At an NGO forum on the policies of international financial institutions, held during the World Conference on Human Rights, participants had stressed the similarity between violations of economic, social and cultural rights, which sooner or later led to popular protest, and violations of civil and political rights by police and military or paramilitary organizations.

57. It was high time that the Commission undertook a thorough investigation to determine the extent to which the policies and practices of international financial institutions violated the provisions of the human rights instruments. Such an investigation should also address the issue of effective remedies, including compensation for victims and the need to modify macroeconomic policies in order to ensure that such violations did not continue. Information should be gathered from all sources, including NGOs, community organizations, trade unions and the academic community.

58. Of particular importance was the impact on the right to work of three factors: structural adjustment programmes, the shifting of investment from the productive to the financial sector, and rapid technological change. An unemployment crisis of unprecedented proportions was occurring in both North and South. According to experts, much of the global workforce could be eliminated in the future, to be replaced by information technology, robots, machines and biotechnology. Within a few decades, hundreds of millions of people might be workless, with resultant massive upheavals in both the industrialized and developing worlds.

59. In addition to structural adjustment programmes, which required developing countries to lay off workers, corporations were introducing the concept of "jobless growth", i.e. the production of more goods using fewer people. Women were particularly hard hit by such approaches. Their jobs were the first to be eliminated as a result of the introduction of technology or

the closing down or relocation of factories. They were left to fend for themselves in the growing informal economy, where they were forced to work longer hours to help provide for their families. Such forms of violence against women were often overlooked.

60. The Commission should study such developments and their implications, in particular the extent to which unemployment and job insecurity contributed to the current tide of racism, xenophobia and religious and ethnic conflict. The World Summit for Social Development would provide a forum for further debate on those issues, and the Centre for Human Rights should be actively involved in the preparations therefor.

61. She called on the Commission to establish a working group to examine investment policies and their impact on human rights, with a view to elaborating a social clause on foreign and domestic investment based on international human rights and labour standards.

62. Mr. SENTURIAS (World Alliance of Reformed Churches) said that, in its resolution 1993/12, the Commission affirmed that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment. Yet, foreign debt burdens and structural adjustment programmes were denying those very rights to the majority of the world's population.

63. In his own country, the Philippines, debt payments did take precedence over basic rights. The previous Government under Mrs. Aquino and the current one under Mr. Ramos, which had been a sponsor of the Commission's resolution, had honoured all the debts, even fraudulent ones, inherited from the regime of Mr. Marcos. Debt-servicing had accounted for an average of 57.7 per cent of Government expenditures from 1986 to 1991 and had caused a severe strain on the country's resources. More than 55 per cent of the population was living below the poverty line. The Government was unable to provide potable water and adequate health services to many areas of the country, leaving the population vulnerable to disease.

64. The Government had complied with the demands of the oil companies and the recommendations of the International Monetary Fund by raising oil prices and power rates by as much as 15 per cent, causing sharp increases in the price of transport and other basic services.

65. Education and housing were also serious problems in his country. Many children left school after the primary level to go to work. Despite laws promoting urban development, demolition of housing and forced evictions continued, often to make way for commercial developers. Government tolerance of commercial logging, which helped raise money to pay off the foreign debt, had led to denudation of watershed areas and consequent reductions in electricity and water services. Massive deforestation had also deprived indigenous peoples of their homelands and caused serious flooding.

66. One of the major causes of the crushing debt burden on many countries was the emphasis by the World Bank and the International Monetary Fund on the same policies that had created the debt in the first place. Those institutions had encouraged countries to base their economies on international loans and, in return, they had been required to implement structural adjustment programmes.

67. For more than 10 years the Government of the Philippines had been carrying out such a structural adjustment policy. It had recently elaborated a medium-term development plan, under which the Philippines would, by the year 2000, acquire the status of a newly industrializing country and improve the quality of life for all its citizens. The goals were excellent but the plan contained the same export-oriented, debt-dependent and import-liberalizing policies that had already impoverished the country. Many sectors of society were refusing to endorse the plan and the churches considered it to be disadvantageous to the people and the environment.

68. The Secretary-General had submitted a comprehensive report on the impact of structural adjustment policies on the enjoyment of human rights (E/CN.4/1994/17 and Add.1). The Commission should request its Sub-Commission to prepare a study on the basis of the Secretary-General's report and to recommend appropriate action in that area.

69. Mr. SOTTAS (World Organization against Torture) said that, in the 1980s, his delegation had drawn attention to the particularly serious situation facing countries which were included in the list of the least developed and for which specific programmes of action had been implemented since the 1970s. However, those programmes were far from achieving the objectives set in the early 1980s. In addition to over-evaluating the potential of the least developed countries, the Substantial New Programme of Action (SNPA) adopted in the early 1980s made virtually no provision for implementing the necessary institutional reforms and confined itself to making general recommendations on the need for popular participation and appeals for recognition of the role played by women in developing societies.

70. At the second Conference on Least Developed Countries in 1989, stress had been placed on democratizing the regimes in those countries. Positive changes had taken place, particularly in Africa, where a number of countries had adopted political liberalization measures resulting in free multiparty elections. However, it must be noted that, while democratization had led to a more authentic representation of the people, the major international banking and financial institutions were playing an increasingly dominant political role. Debt-related constraints obliged most of the authorities elected on the basis of ambitious social programmes to carry out a policy diametrically opposed to the one they had advocated during the electoral campaign, with a consequent feeling of frustration among the electorate.

71. While no one contested the need to redirect the economic activities of the least developed countries and a number of developing countries with low productivity levels, the objectives set in agreement with the Bretton Woods Institutions and the means chosen to achieve those objectives might well be questioned. The structural adjustment programmes proposed a uniform remedy, liberalization, privatization and trade deregulation.

72. The institutions promoting those programmes were convinced that the main obstacles to growth lay in market distortions caused primarily by protectionism and proposed as a remedy deregulation, free competition and the privatization of all the economic sectors managed by the State. Faith in the effectiveness of that recipe had led to the adoption of such measures even in countries with a small fiscal deficit and a trade balance that could be described as favourable.

73. Such policies were frequently adopted without any corrective social action to protect the most vulnerable sectors and had had particularly harmful effects on the situation of low-paid and poorly organized workers. In addition, the fundamental rights of the workers including freedom of association, minimum conditions concerning safety, hygiene, rest and non-discrimination in employment had been jeopardized.

74. The relocation policies followed by enterprises in the North desirous of transferring labour-intensive operations to the countries of the South in order to benefit from an abundant, skilled, cheap and "politically" reliable labour force were matched by the adoption of measures by the authorities in some developing countries to ensure a "flexible" labour market. In fact, such actions seriously endangered the rights of workers and their social achievements. Local trade unions did not always have sufficient negotiating strength to oppose those policies legally and peacefully.

75. As his organization had frequently stated, the policies advocated by the Bretton Woods Institutions should be examined to determine their impact on the human rights situation in the countries concerned. Such a sectoral evaluation was essential in order to introduce corrective measures and to prevent the burden of sacrifices in consumption from being borne by the poorer portion of the population. Furthermore, reducing or eliminating some State programmes, particularly in the areas of health and education, could have catastrophic social, political and economic effects.

76. In that connection, he recalled the consequences of the ultra-liberal policies of the 1960s and 1970s in Brazil, for example. Famines and the flight from the land had led to shanty-town ghettos. Family structures had collapsed under the strain and a population of street children officially estimated at about 8 million had developed. Crime waves, attributed to street children, had produced death squads which tortured and killed them.

77. The Brazilian Government had described the measures it had adopted to deal with those atrocities and, though welcome, they did not go to the root of the problem. Other countries in Latin America and elsewhere had to contend with the same difficulties. Only large-scale programmes to rehabilitate the street children and reintegrate them into civil society could solve the problem, which was weakening the social structures of the countries concerned.

78. The philosophy underlying the structural adjustment programmes called for a reduction in the role of the State, including the social outlays for which the State was responsible. Such policies were in direct contradiction with some of the most fundamental human rights. Preliminary studies should be made

of the impact of such action which in the short term could be justified from the economic standpoint but which would have unacceptable consequences for the peoples concerned.

79. There had been an echo of that idea in the Vienna Declaration which had formally requested the international financial institutions to make studies of the impact of their policies on human rights, but what was needed was an independent body to carry out such studies. He therefore recalled two suggestions that his organization had made previously to the Commission and the Sub-Commission. The first was that a committee of independent experts should be established to define general criteria for development policies in keeping with respect for human rights and make specific studies of countries and programmes that were potentially dangerous in terms of human rights. The second proposal was that, in the negotiations preceding any structural adjustment measure, the entire population of a country should be consulted, through its representative institutions, with particular reference to the most vulnerable sectors of society, before any decision was reached.

80. Mr. RETUREAU (World Federation of Trade Unions) said that structural adjustment policies constituted a burden on workers and on the poorest sectors in the name of servicing an external debt from which they derived little benefit.

81. Social rights, trade-union rights and collective bargaining rights had been the object of attacks since the early 1980s. In that connection, he referred to the dismissal by President Reagan of more than 10,000 air-traffic controllers, the destruction by the Government of New Zealand of the principles of collective bargaining and the murder of trade unionists in Colombia as illustrations of the determination of neo-liberal Governments and employers to use every legal and illegal means to have done with trade unions.

82. In the name of the neo-liberal gospel, most Governments and international institutions had sought to entrust to the capitalist market and private enterprise the task of solving all economic and social problems. Enterprises and public services had been privatized and the principles of equity, equality, and solidarity had been replaced by commercial relationships which henceforth denied access to certain services not only to the poorest but also to the middle classes. The health situation was the most tragic one in many countries.

83. The privatization of pension funds and the liquidation of systems based on sharing and solidarity imposed in Chile by the dictatorship was spreading throughout Latin America and other countries, with the danger that long-term difficulties might deprive the majority of workers, the ones with low wages, of their right to a retirement pension.

84. The report on the right to development (E/CN.4/1994/21 and Corr.1 and 2) referred to questions of development in all their dimensions and highlighted the essential role of effective popular participation if development was to meet the fundamental, material, cultural and moral requirements of peoples.

85. Workers and their trade unions expected the forthcoming World Summit for Social Development to give serious consideration to the great difficulties they faced with regard to employment, living and working conditions, and social protection. The Summit should also provide an opportunity for the

affirmation of a coherent policy in those areas, involving all the United Nations institutions concerned with social development.

86. The policies of the competent United Nations agencies were generally towed behind those of the Bretton Woods Institutions, to which at best they supplied social crutches for adjustment plans, forced to implement decisions taken by those institutions and the Group of 7 on which they had little influence, whereas those bodies constantly encroached on their terms of reference. States were defenceless before the neo-liberal theories of the 1980s and the economic changes taking place in the world under the auspices of the transnational corporations. All those who sought an alternative or tried to limit international economic and financial powers had been defeated. The free-trade areas developing at the regional level - European Union and NAFTA - were based on neo-liberal principles as were all structural adjustment policies and policies of transition to the market economy by shock therapy.

87. In a totally internationalized economy and an interdependent world, the time had come to formulate rules that would guarantee and promote economic, social and cultural rights, achieve a new equilibrium in the conditions of international competition and prevent social dumping. From that point of view, the International Covenant on Economic, Social and Cultural Rights and the ILO conventions could be effective because of their universal nature.

88. The demand by the international trade unions for a social clause in economic agreements was regularly presented by employers and many Governments as a protectionist demand to the detriment of the developing countries. In view of the rather flexible formulation of international work standards and the clauses in the International Covenants, that argument did not stand up. Competition based on the suppression of freedoms and the exploitation of labour, including child labour, could not be regarded as fair, since it led to the rapid weakening of rights and guarantees in all countries and a decline in living standards incompatible with development.

89. The minimum elements of such a clause were already contained in certain ILO conventions and the International Covenants, i.e., trade-union freedoms, the right of association of agricultural workers, application of the principles of the right to organize and engage in collective bargaining, the right to strike and protection of the representatives of workers in an enterprise. There were also the principle of equal pay for men and women for work of equal value, and the prohibition of forced labour and discrimination in respect of employment. Lastly, the new world trade organization should include that question on its agenda as soon as possible with a view to its adoption and the establishment of a monitoring body that would include representatives of international trade-union organizations.

90. Mr. DEMONT (International Association of Educators for World Peace) said that some companies, influential groups and totalitarian Powers believed that not everyone had the right to development. Consequently, that right must be defined as precisely as possible and its exercise ensured.

91. To prepare for development it was necessary to provide children - the key staff of the future - with the means to pursue their studies in an appropriate environment. Such a programme was not expensive. The schools attended by children in the countries to be developed should be twinned with those of

developed countries since the administrations of the latter could help as could the municipalities and even associations of parents, who would be eager to broaden their own children's horizons.

92. As for students, they must be given a local university and their education must take account of local traditions. If students from developing countries attended foreign universities, they would come out Europeans and Americans. Locally educated graduates should mean a better managed local economy.

93. However, his delegation believed that, at the outset, the appropriate system was partnership in global projects, since that meant sharing risks and organizing responsible marketing, the benefits of which would also be shared. A joint venture should contribute part of its profits to schools, universities and health and environmental establishments. That financial share should be managed by neutral and independent NGOs. Where partnership was not possible, consideration must be given to self-financing.

94. However, he stressed the need to be careful with regard to development which could have tragic consequences for ancestral cultures that also had their rights. One sad example was tourism, in which connection, he said that happy villages had disappeared as a result of large-scale tourism projects. The environment must be protected from development by training people in the areas concerned.

95. Development-oriented measures must take account of one essential fact: the populations of developing countries were increasing at an annual rate of 2.6 per cent and would reach 4 billion before the year 2000. A balance between population and food would be possible only if demographic growth were controlled. It was necessary to implement national food strategies that would make it possible gradually to achieve self-sufficiency. A food self-sufficiency policy presupposed that a given country ceased according priority to export crops, refrained from importing inexpensive grain from rich countries, undertook genuine agrarian reform and ensured that national crop prices were sufficiently profitable for farmers.

96. Ms. SPALDING (International Association of Educators for World Peace) said that her organization had worked for years with disabled persons on their full participation in the enjoyment of human rights and their particular role in the development of societies based on the principles of the Universal Declaration of Human Rights. It welcomed the unanimous adoption of the Despouy report on human rights and disability by the Commission in 1992 and expressed its appreciation to the Centre for Human Rights for the recent publication of the report in question. It also drew attention to various ILO and governmental studies concerning persons with disabilities in the workplace.

The meeting rose at 12.55 p.m.